

BEFORE THE IOWA BOARD OF PHARMACY

RE:
Pharmacy License of

FOOD LAND PHARMACY
License No. 1568
Respondent

CASE NO. 2019-0030

**COMBINED STATEMENT OF CHARGES,
SETTLEMENT AGREEMENT, AND FINAL
ORDER**

COME NOW the Iowa Board of Pharmacy ("Board") and Food Land Pharmacy ("Respondent"), 423 Walker St, Woodbine IA 51579, and enter into this Combined Statement of Charges, Settlement Agreement, and Final Order ("Order") pursuant to Iowa Code sections 17A.10 and 272C.3(4), and 657 IAC 35.5. The Board has jurisdiction over Respondent and the subject matter of this case pursuant to Iowa Code chapters 17A, 155A, and 272C (2019), and 657 IAC 36.

A. STATEMENT OF CHARGES

COUNT I

FAILING TO COMPLY WITH RULES GOVERNING PHARMACY CLOSING

1. Respondent is charged with failing to comply with the rules governing a pharmacy closing described in 657 IAC 8.35(7), and may be disciplined pursuant to Iowa Code section 155A.15(2)(c) and 657 IAC 36.6(21).

B. FACTUAL CIRCUMSTANCES

2. Respondent's pharmacy license is currently active through December 31, 2019.
3. Respondent's owner is Dina Corbett, who also owned Food Land Pharmacy in Avoca.
4. Pursuant to 657 IAC 8.3(2), each pharmacy, by and through its owner or license holder, shall work cooperatively with the pharmacist in charge and with all staff pharmacists to ensure legal operation of the pharmacy.
5. Food Land Pharmacy in Avoca closed on February 28, 2019.
6. When Food Land Pharmacy in Avoca closed, Respondent became the custodian of the prescription records and drug inventory from Avoca.
7. The written notification to patients did not advise patients that they could contact Food Land Pharmacy in Avoca prior to the closing date to request the transfer of remaining refills to a pharmacy of the patient's choice.

8. The controlled substances inventory at Food Land Pharmacy in Avoca was performed before the close of business.

9. When Respondent was visited on March 11, 2019, the controlled substances inventory from Food Land Pharmacy in Avoca was not available and the DEA 222 forms to document the transfer of Schedule II controlled substances from Food Land Pharmacy in Avoca to Respondent were not filled out.

10. Hard copy prescription records and invoices were transferred to Respondent on February 27, 2019, but the staff were not aware of this until March 11, 2019.

11. Respondent did not have electronic records available until March 11, 2019.

12. From February 28, 2019 through March 11, 2019, some patients were unable to fill prescriptions because the records were not available from Respondent.

13. The pharmacy license certificate and CSA registration certificate from Food Land Pharmacy in Avoca were not returned to the Board within ten days of closing.

C. SETTLEMENT AGREEMENT AND FINAL ORDER

14. The Board has jurisdiction over the parties and the subject matter of this proceeding.

15. Respondent acknowledges that the allegations in the Statement of Charges, if proven in a contested case hearing, would constitute grounds for the discipline agreed to in this Order.

16. Execution of this Order constitutes the resolution of a contested case. Respondent has a right to hearing before the Board on the charges, but Respondent waives the right to hearing and all attendant rights, including the right to appeal or seek judicial review of the Board's action, by freely and voluntarily entering into this Order. Once entered, this Order shall have the force and effect of a disciplinary order entered following a contested case hearing.

17. Respondent acknowledges that it has the right to be represented by counsel on this matter.

18. Respondent agrees that the State's counsel may present this Order to the Board and may have *ex parte* communications with the Board while presenting it.

19. This Order is subject to approval by a majority of the full Board. If the Board does not approve this Order, it shall be of no force or effect to either party, and shall not be admissible for any purpose in further proceedings in this matter. If the Board approves this Order, it shall be the full and final resolution of this matter.

20. This Order shall be part of Respondent's permanent record and shall be considered by the Board in determining the nature and severity of any disciplinary action to be imposed in the event of any future violations.

21. Respondent understands the Board is required by federal law to report any adverse action to the National Association of Boards of Pharmacy's Disciplinary Clearinghouse and the National Practitioner Data Bank.

22. This Order, when fully executed, is a public record and is available for inspection and copying in accordance with the requirements of Iowa Code chapters 22 and 272C.

23. The Board's approval of this Order shall constitute a **FINAL ORDER** of the Board.

IT IS THEREFORE ORDERED:

24. Respondent is hereby **CITED** for failing to comply with the rules governing a pharmacy closing and **WARNED** that future violations of the laws and rules governing pharmacies can result in further disciplinary action.

25. Respondent shall pay a **CIVIL PENALTY** in the amount of three thousand five hundred dollars (\$3,500) within sixty (60) days of Board approval of this Order. The check shall be made payable to the "Treasurer of Iowa" and shall be deposited in the general fund. The civil penalty should be mailed to the Iowa Board of Pharmacy, Attn: Amanda Woltz, 400 SW 8th St, Ste E, Des Moines IA 50309.

26. Should Respondent violate the terms of this Order, the Board may initiate action to impose other licensee discipline as authorized by Iowa Code chapters 155A and 272C and 657 IAC 36.

By the signature below, Dina Corbett acknowledges s/he is the President for Respondent and is authorized to sign this Combined Statement of Charges, Settlement Agreement, and Final Order on behalf of Respondent.

8-13-2019
Date

RCorbett
FOOD LAND PHARMACY
Respondent

This Combined Statement of Charges, Settlement Agreement, and Final Order is approved by the Iowa Board of Pharmacy on the 10th day of September, 2019.

Jordan Hangel / AF
Chairperson
Iowa Board of Pharmacy